

**REMARKS**

Claims 2, 8-13, 16, 17, 23-28 and 34-40 are all the claims pending in the present application. Applicants thank the Examiner for withdrawing the previous prior art rejections, however the Examiner applies a new reference Landais (U.S. Patent Application Publication No. 2002/0080758) to support the claim rejections. Specifically, Claims 2, 8-13, 16, 17, 23-28 and 34-39 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Landais.

Landais is directed to a method of reporting radio access capacity information from a mobile station to a mobile radio network in packet mode, wherein the network determines, from mobile station identity information communicated to it, if it already holds radio access capacity information relating to the mobile station, and if it does not already hold such information, it requests the mobile station to communicate the information to it. *See Abstract of Landais.*

With respect to independent claims 2, 16, and 17, Applicants submit that Landais does not anticipate these claims at least based on the following reasons.

With respect to claim 2, for example, Landais does not disclose or suggest that a mobile station uses, in accordance with its requirements, one of different types of packet mode resource requests corresponding to different transfer modes that the mobile station supports, said different transfer modes including the GPRS and the EGPRS modes. Paragraph 0029 of Landais discloses nothing more than the fact that mobile stations may support EGPRS, but Landais does not disclose "different types of packet mode resource requests, corresponding to different transfer modes that it supports, said different transfer modes including the GPRS (General Packet Radio Service) and EGPRS (Enhanced General Packet Radio Service) modes," and Landais does not disclose or suggest how such different types of packet mode resource requests are used by

mobile stations. Further, Landais does not disclose or suggest that, for the requirements of signaling data transfer, the mobile station uses a type of packet mode resource request corresponding to EGPRS mode (i.e. instead of a type of packet mode resource request corresponding to GPRS mode, as would be the case in the prior art described in the present application), including cause data specifying signaling data transfer requirements.

In addition, there appears to be numerous errors and inconsistencies in the Examiner's analysis. For example, the Examiner says "one of different types of packet mode resource requests (see circuit mode service, packet mode service...)." This is not correct, because CIRCUIT mode service cannot be associated with PACKET mode resource requests.

Yet further, the Examiner appears to compare "a description of a resource request contained in a packet resource request" to a type of packet resource request. This is not correct as the content of a request cannot be compared to the type of packet resource request (when there are different types).

Therefore, at least based on the foregoing, Applicants submit that independent claims 2, 16, and 17 are patentably distinguishable over Landais.

Applicants submit that dependent claims 8-13, 23-28, and 34-40 are patentable at least by virtue of their respective dependencies.

Further, with respect to claim 11, Applicants submit that Landais does not disclose or suggest at least, "wherein said user data transfer includes a transfer of data in accordance with the Transmission Control Protocol (TCP)," as recited in claim 11. The Examiner cites numbered paragraph 20 of Landais and alleges that Landais discusses the transfer of data and temporary block flow (TBF). In response, Applicants submit that the temporary block flow discussed in

Landais is not the same as the transmission control protocol recited in claim 11. "Transmission control protocol" is a term of art that is known to one of ordinary skill in the art, and one of ordinary skill in the art would understand that the temporary block flow discussion does not satisfy the feature quoted above with respect to claim 11. Applicants submit that claims 26 and 37 are patentable at least based on reasons similar to those set forth above with respect to claim 11.

Further, with respect to claim 9, Applicants submit that Landais does not disclose or suggest at least, "wherein said signaling messages include a cell update message sent in the event of cell reselection during a current user data transfer," as recited in claim 9. The Examiner cites numbered paragraphs 33-38 of Landais and alleges that the cited paragraphs discuss cell reselection. However, Applicants submit that even if cell reselection is mentioned in the cited portions of Landais, there is no teaching or suggestion of the specific feature of signaling messages including a cell update message sent in the event of cell reselection during a current user data transfer. That is, the above underlined portion of claim 9 is clearly not taught or suggested by Landais. Applicants submit that claims 24 and 35 are patentable at least based on reasons similar to those set forth above with respect to claim 9.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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